

Division 3. Air Resources Board

Chapter 2. Enforcement of Vehicle Emission Standards and Surveillance Testing

Article 2.2. Procedures for In – Use Vehicle Ordered Recalls

§ 2125. Ordered Recall Plan.

(a) Unless a public hearing is requested by the manufacturer, a recall plan shall be submitted to the Chief, Mobile Source Operations Division, 9528 Telstar Avenue, El Monte, CA 91731, within the time limit specified in the notification. The Executive Officer may grant the manufacturer an extension upon good cause shown.

(b) The recall plan shall contain the following:

(1) A description of each class or category of vehicle or engine to be recalled, including the engine family or sub-group thereof, the model-year, the make, the model, and such other information as may be required to identify the vehicles or engines to be recalled.

(2) A description of the nonconformity and the specific modifications, alterations, repairs, corrections, adjustments or other changes to be made to bring the vehicles or engines into conformity including a brief summary of the data and technical studies which support the manufacturer's decision regarding the specific corrections to be made.

(3) A description of the method by which the manufacturer will determine the names and addresses of vehicle or engine owners and the method by which they will be notified.

(4) A description of the procedure to be followed by vehicle or engine owners to obtain correction of the nonconformity including the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied. The repair shall be completed within a reasonable time designated by the Executive Officer from the date the owner delivers the vehicle or engine for repair. This requirement becomes applicable on the date designated by the manufacturer as the date on or after which the owner can have the nonconformity remedied.

(5) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of such class of persons and a statement indicating that the participating members of the class will be properly equipped to perform such remedial action.

(6) The capture rate required for each class or category of vehicle or engine to be recalled. Under recalls based on exceedance of emission standards, the capture rate shall be calculated using the following formula:

$$R = \frac{(Ef - Es) \times 100\%}{?}$$

where: R = capture rate (see section 2112(a), above, for definition).

? = average reduction per vehicle resulting from the recall repair (see subsection (b)(12)(B), below, for determination).

Ef = average noncompliance emission level determined from in-use enforcement testing and other sources.

Es = emission standard for a particular pollutant.

An 80 percent capture rate shall be required for recalls based exclusively on noncompliance as defined in section 2112(h)(1), above.

(7) The plan may specify the maximum incentives (such as a tune-up or specified quantity of gasoline), if any, the manufacturer will offer to induce vehicle or engine owners to present their vehicles for repair, as evidence that the manufacturer has made a good faith effort to repair the percentage of vehicles or engines specified in the plan. The plan shall include a schedule for implementing actions to be taken including identified increments of progress towards implementation and deadlines for completing each such increment.

(8) A copy of the letter of notification to be sent to vehicle or engine owners.

(9) A description of the system by which the manufacturer will assure that an adequate supply of parts will be available to perform the repair under the recall plan including the date by which an adequate supply of parts will be available to initiate the repair campaign, and the method to be used to assure the supply remains both adequate and responsive to owner demand.

(10) A copy of all necessary instructions to be sent to those persons who are to perform the repair under the recall plan.

Board Administration and Regulatory Coordination Unit

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(11) A description of the impact of the proposed changes on fuel economy, driveability, performance and safety of each class or category of vehicles or engines to be recalled and a brief summary of the data, technical studies, or engineering evaluations which support these descriptions.

(12) A description of the impact of the proposed changes on the average emissions of the vehicles or engines to be recalled based on noncompliance as defined in section 2112(h)(2), above. The description shall contain the following:

(A) Average noncompliance emission levels.

(B) Average emission reduction or increase per pollutant resulting from the recall repair. These averages shall be verified by the manufacturer by applying the proposed recall repairs to two or more in-use vehicles or engines representing the average noncompliance emission levels. Only those vehicles or engines with baseline emission levels within 25 percent of the average emission levels of noncomplying pollutant(s) established under the in-use enforcement test program may be used by manufacturers to verify proposed recall repairs. The Executive Officer may allow the use of vehicles or engines exceeding these limits if none which meet the limits can be reasonably procured. In the case of heavy-duty engines, the average emission levels may be verified by using laboratory engines, subject to approval by the Executive Officer.

(C) An estimate of the average emission level per pollutant for a class or category of vehicles or engines after repair as corrected by the required capture rate. The estimated average emission level shall comply with the applicable emission standards. If the average emissions levels achieved by applying the average emission reduction per vehicle or engine after repair and the estimated capture rate, do not achieve compliance with the emissions standards, a manufacturer shall propose other measures to achieve average emissions compliance.

(13) Any other information, reports, or data which the Executive Officer may reasonably determine to be necessary to evaluate the recall plan.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018 and 43105, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

REFERENCE